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10/749,549

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Takashi Uchida

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EXAMINER

RILEY, MARCUS T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. .

10/749,549

Applicant(s)

UCHIDA, TAKASHI

Examiner

Marcus T. Riley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/2/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/2/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>attached</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1, 3-6 and 9** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Honma (US 6,876,389 hereinafter, Honma '389).

Regarding claim 1; Honma '389 discloses a print system comprising: a receiver for receiving thumbnail data as a print image and related information indicating the link destination of said thumbnail data; (*"The printer controller 103 has a slot into which the memory card 102 is inserted, and it displays the image data kept in the memory card 102 on the television receiver*

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104 according to the operation of a user, and in the meantime, it performs a control function so that the image data is output on the printer 105... column 2, lines 42-47), see also i.e. "...the information on the aspect ratios of a thumbnail image and a main image is obtained from the image data analysis part 206, and these are compared with each other. Then, when they are the same, the thumbnail image is used as the display image data as it is..." column 3, lines 20-24); a display data generator for generating display data from said thumbnail data ("Reference numeral 104 denotes a television receiver (TV) as display means..." column 2, lines 31-33), see also i.e. "...the thumbnail image is used as the display image data as it is..." column 3, lines 24-24); an input device for inputting a print instruction for said related data ("The image data from the digital camera 101 conforms to a standard such as DCF, CIFF, Exif, and on the basis of the specifications thereof, the printer controller 103 performs analysis and processing. column 2, lines 48-51); and a transfer section for transferring a data file pointed at by said thumbnail data in accordance with said link when said print instruction is received by said input device ("The printer controller 103 has a slot into which the memory card 102 is inserted, and it displays the image data kept in the memory card 102 on the television receiver 104 according to the operation of a user, and in the meantime, it performs a control function so that the image data is output on the printer 105. The image data from the digital camera 101 conforms to a standard such as DCF, CIFF, Exif, and on the basis of the specifications thereof, the printer controller 103 performs analysis and processing." column 2, lines 42-51).

Regarding claim 3; Honma '389 discloses a print system comprising: a receiver for receiving print data which is not displayed and thumbnail data from outside and an output section for outputting said print data on a printer, wherein said output section outputs update data

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as print data (“...in some cases this thumbnail image is used as display data to be displayed on a television receiver. That is, a piece of image information includes main image data having an original resolution and data of a thumbnail image that is a thinned image thereof, and mainly, the former is used as data to be printed and the latter is used as data to be displayed on a television receiver or the like. (column 1, lines 17-23).

Regarding claim 4; Honma ‘389 discloses a print system comprising: a receiver for receiving thumbnail data and related information (“The printer controller 103 has a slot into which the memory card 102 is inserted, and it displays the image data kept in the memory card 102 on the television receiver 104 according to the operation of a user, and in the meantime, it performs a control function so that the image data is output on the printer 105... column 2, lines 42-47), see also i.e. “...the information on the aspect ratios of a thumbnail image and a main image is obtained from the image data analysis part 206, and these are compared with each other. Then, when they are the same, the thumbnail image is used as the display image data as it is...” column 3, lines 20-24); a display data generator for generating display data from said related information (“...and it displays the image data kept in the memory card 102 on the television receiver 104 according to the operation of a user...” column 2, lines 44-46); and a decoder for analyzing thumbnail data of said printer from the user which is based on said instruction information displayed and extracting thumbnail data (“...the information on the aspect ratios of a thumbnail image and a main image is obtained from the image data analysis part 206, and these are compared with each other. Then, when they are the same, the thumbnail image is used as the display image data as it is...” column 3, lines 20-24).

Regarding claim 5; Honma '389 discloses a print system comprising: a detachable external storage (*"and reference numeral 102 denotes a memory card, which keeps image data imaged by the digital camera 101 and can be removably attached to the above described digital camera 101."* column 2, lines 24-27); an information reader for reading data from said detachable external storage (*"Reference numeral 103 denotes a printer controller that is an output control apparatus of the present invention, which reads in the image data kept in the memory card 102 and controls the output of the read-in image data."* column 2, lines 27-31); an information writer for writing data to said external storage (*"...reference numeral 101 denotes a digital camera that is image pick-up means, and reference numeral 102 denotes a memory card, which keeps image data imaged by the digital camera 101..."* column 2, lines 22-25); a decoder for extracting thumbnail data from the file information of a file read from said external storage (*"...the information on the aspect ratios of a thumbnail image and a main image is obtained from the image data analysis part 206, and these are compared with each other. Then, when they are the same, the thumbnail image is used as the display image data as it is..."* column 3, lines 20-24); an analyzer for analyzing said file information (*"FIG. 2 is a block diagram showing an example of the functional configuration of the printer controller 103... image data analysis part 206..."* column 2, lines 52-59); a display data generator for generating display data from the extracted thumbnail data (*"...the information on the aspect ratios of a thumbnail image and a main image is obtained from the image data analysis part 206, and these are compared with each other. Then, when they are the same, the thumbnail image is used as the display image data as it is..."* column 3, lines 20-24); and transfer section for transferring said display data to a display unit (*"...FIG. 2 is a block diagram showing an example of the*

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functional configuration of the printer controller 103...a TV display renderer 208..." column 3, lines 52-60).

Regarding claim 6; Honma '389 discloses where said file information includes the link file information to said thumbnail data ("*...the information on the aspect ratios of a thumbnail image and a main image is obtained from the image data analysis part 206, and these are compared with each other. Then, when they are the same, the thumbnail image is used as the display image data as it is...*" column 3, lines 20-24).

Regarding claim 9; Honma '389 discloses a print thumbnail creating method comprising steps of: reading a file from an external storage ("*Reference numeral 103 denotes a printer controller that is an output control apparatus of the present invention, which reads in the image data kept in the memory card 102 and controls the output of the read-in image data.*" column 2, lines 27-31); analyzing the file to acquire tag information ("*FIG. 2 is a block diagram showing an example of the functional configuration of the printer controller 103... image data analysis part 206,...*" column 2, lines 52-59); acquiring thumbnail data from the tag information ("*...the information on the aspect ratios of a thumbnail image and a main image is obtained from the image data analysis part 206, and these are compared with each other. Then, when they are the same, the thumbnail image is used as the display image data as it is...*" column 3, lines 20-24); and displaying the thumbnail data ("*...the information on the aspect ratios of a thumbnail image and a main image is obtained from the image data analysis part 206, and these are compared with each other. Then, when they are the same, the thumbnail image is used as the display image data as it is...*" column 3, lines 20-24).

3. **Claims 7 and 8** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Crosby et al. (US 6,870,547 hereinafter, Crosby '547).

Regarding claim 7; Crosby '547 discloses a print thumbnail creating method comprising steps of: determining whether to add a tag (*"The preferred embodiment uses XML (eXtensible Markup Language), but other formats, both standard and proprietary could be used..."* column 22, lines 39-40); a step of analyzing the tag of a markup language (*"The preferred embodiment uses XML (eXtensible Markup Language), but other formats, both standard and proprietary could be used to implement this invention. Further, this edit list can either be included with the resultant image or linked to it via a separate file. ..."* column 22, lines 37-42); creating a print image to be converted to thumbnail data and converting the print image to thumbnail data (*"if the user prints out photos that have been modified that contain only a low-resolution thumbnail, it may not be at a high enough resolution to meet the needs of the printer. For this scenario, the printer can re-rasterize the image by applying the edit list to the original digital negative to obtain high quality output results as desired."* column 18, lines 62-67); adding tag information to a markup language file (*"The preferred embodiment uses XML (eXtensible Markup Language), but other formats, both standard and proprietary could be used..."* column 22, lines 37-39).

Regarding claim 8; Crosby '547 discloses a print thumbnail creating method comprising steps of: analyzing the tag of a markup language (*"The preferred embodiment uses XML (eXtensible Markup Language), but other formats, both standard and proprietary could be used to implement this invention. Further, this edit list can either be included with the resultant image or linked to it via a separate file. ..."* column 22, lines 37-42); creating a print image to be

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converted to thumbnail data and converting the print image to thumbnail data (*"if the user prints out photos that have been modified that contain only a low-resolution thumbnail, it may not be at a high enough resolution to meet the needs of the printer. For this scenario, the printer can re-rasterize the image by applying the edit list to the original digital negative to obtain high quality output results as desired."* column 18, lines 62-67); and adding tag information to a markup language file (*"The preferred embodiment uses XML (eXtensible Markup Language), but other formats, both standard and proprietary could be used..."* column 22, lines 39-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 2** rejected under 35 U.S.C. 103(a) as being unpatentable over Honma '389 in combination with Crosby '547.

Regarding claim 2; Honma '389 discloses a print system comprising: a receiver for receiving thumbnail data as a print image and related information indicating the link destination of said thumbnail data; (*"The printer controller 103 has a slot into which the memory card 102 is inserted, and it displays the image data kept in the memory card 102 on the television receiver 104 according to the operation of a user, and in the meantime, it performs a control function so that the image data is output on the printer 105..."* column 2, lines 42-47), see also i.e. "...the

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information on the aspect ratios of a thumbnail image and a main image is obtained from the image data analysis part 206, and these are compared with each other. Then, when they are the same, the thumbnail image is used as the display image data as it is..." column 3, lines 20-24); a display data generator for generating display data from said thumbnail data ("*Reference numeral 104 denotes a television receiver (TV) as display means...*" column 2, lines 31-33), see also i.e. "*...the thumbnail image is used as the display image data as it is...*" column 3, lines 24-24); an input device for inputting a print instruction for said related data ("*The image data from the digital camera 101 conforms to a standard such as DCF, CIFF, Exif, and on the basis of the specifications thereof, the printer controller 103 performs analysis and processing.*" column 2, lines 48-51); and a transfer section for transferring a data file pointed at by said thumbnail data in accordance with said link when said print instruction is received by said input device ("*The printer controller 103 has a slot into which the memory card 102 is inserted, and it displays the image data kept in the memory card 102 on the television receiver 104 according to the operation of a user, and in the meantime, it performs a control function so that the image data is output on the printer 105. The image data from the digital camera 101 conforms to a standard such as DCF, CIFF, Exif, and on the basis of the specifications thereof, the printer controller 103 performs analysis and processing.*" column 2, lines 42-51).

Honma '389 does not disclose a print system further comprising a determination section for determining whether to add thumbnail data and a tag to a markup language file.

Crosby '547 discloses a print system further comprising a determination section for determining whether to add thumbnail data ("*If it is determined that the digital image is not to be processed by the image processing unit 212, then the image stored in the memory 522 can be*

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directly sent to either the display unit 526... by way of the output port 222. In the case where the output device includes a printer...the user prints out photos that have been modified that contain only a low-resolution thumbnail... ” column 18, lines 50-63), and a tag to a markup language file (“The preferred embodiment uses XML (eXtensible Markup Language), but other formats, both standard and proprietary could be used...” column 22, lines 39-40).

They are combinable because they are from the same field of endeavor of image processing systems (*“The invention relates generally to digital image processing systems.”* Crosby ‘547 at column 1, lines 22-23).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image processing system as taught by Honma ‘389 by adding a print system comprising a determination section for determining whether to add thumbnail data and a tag to a markup language file as taught by Crosby ‘547.

The motivation for doing so would have been to provide a general distribution of images (*“In addition to providing general improvements for distribution of images...”* Crosby ‘547 at column 2, lines 52-53).

Therefore, it would have been obvious to combine Honma ‘389 with Crosby ‘547 to obtain the invention as specified in claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus T. Riley whose telephone number is 571-270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Marcus T. Riley
Assistant Examiner
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